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Attorneys for Plaintiffs

HOLOGIC, INC., CYTYC CORPORATION and HOLOGIC L.P.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

HOLOGIC, INC., CYTYC CORPORATION,
and HOLOGIC L.P.,

Plaintiffs,

vs.

SENORX, INC.,

Defendant.

AND RELATED COUNTERCLAIMS.

Case No. C08 00133 RMW (RS)

**DECLARATION OF KATHARINE L.
ALTEMUS IN SUPPORT OF SENORX,
INC.'S ADMINISTRATIVE MOTION TO
FILE UNDER SEAL EXHIBITS 33 AND 36
TO THE DECLARATION OF ADAM D.
HARBER IN SUPPORT OF SENORX,
INC.'S OPPOSITION TO PLAINTIFFS'
MOTION FOR A PRELIMINARY
INJUNCTION AND SUBMITTED
PURSUANT TO PERMISSION GRANTED
AT HEARING**

1 I, Katharine L. Altemus, declare as follows:

2 I am an attorney at the law firm Howrey LLP and a member of the Bar of this court. I serve as
3 one of the outside counsel for Plaintiffs Hologic, Inc., Cytac Corporation, and Hologic L.P.
4 (collectively, "Hologic"). If called upon to testify, I could and would competently testify as to the
5 matters set forth herein.

- 6 1. Exhibit 33 to the Declaration of Adam D. Harber In Support of Defendant SenoRx, Inc.'s
7 Opposition to Plaintiffs' motion for Preliminary Injunction (Submitted Pursuant To
8 Permission Granted At Hearing Of April 21, 2008) contains excerpts from the transcript of
9 the April 18, 2008 deposition of Martin Keisch. These excerpts contain information that is
10 internal, confidential, and sensitive to Hologic and its employees, and the unprotected
11 distribution of this document in its unredacted form to the general public could cause harm
12 to Hologic and its employees.
- 13 2. Exhibit 36 to the Declaration of Adam D. Harber In Support of Defendant SenoRx, Inc.'s
14 Opposition to Plaintiffs' motion for Preliminary Injunction (Submitted Pursuant To
15 Permission Granted At Hearing Of April 21, 2008) contains excerpts from the transcript of
16 the April 15, 2008 deposition of Julie L. Davis. These excerpts on pages labeled
17 "confidential" contain information that is internal, confidential, and sensitive to Hologic
18 and its employees (and/or information designated by SenoRx as its confidential business
19 information). The unprotected distribution of this document in its unredacted form to the
20 general public could cause harm to Hologic and its employees.
- 21 3. To date, the parties have not executed a Protective Order that governs how the confidential
22 and proprietary information produced during discovery shall be treated by the parties. Until
23 such a Protective Order has been executed and entered by the Court, such confidential and
24 proprietary materials are, by operation of Patent Local Rule 2-2 deemed to be
25 "Confidential—Attorneys Eyes Only" materials, unless otherwise agreed by the parties.
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1 4. In compliance with Northern District Civil Local Rule 79-5(d), Hologic wishes to withhold
2 from the public versions of these transcripts that reference confidential business
3 information.

4 I declare under penalty of perjury under the laws of the United States and the State of
5 California that the foregoing is true and correct.

6 Dated: April 28, 2008

HOWREY LLP

7
8 By: /s/
9 Katharine L. Altemus

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11 HOWREY LLP
12 Attorneys for Plaintiffs
13 Hologic, Inc., Cytoc Corporation,
14 and Hologic LP
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**[PROPOSED] ORDER GRANTING
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

1 The Court, having considered Defendant SenoRx, Inc.'s ("SenoRx") Administrative Motion To
2 File Under Seal and the Declaration of Katharine L. Altemus In Support Of SenoRx, Inc.'s
3 Administrative Motion To File Under Seal finds that good cause exists pursuant to Civil Local Rule
4 79-5(d) and hereby orders that Defendant's Motion to Seal Exhibits 33 and 36 attached to the
5 Declaration of Adam D. Harber In Support of Defendant SenoRx, Inc.'s Opposition to Plaintiffs'
6 motion for Preliminary Injunction (Submitted Pursuant To Permission Granted At Hearing Of April
7 21, 2008) is GRANTED.

8 The Clerk shall maintain under seal Exhibits 33 and 36 attached to the Declaration of Adam D.
9 Harber In Support of Defendant SenoRx, Inc.'s Opposition to Plaintiffs' motion for Preliminary
10 Injunction (Submitted Pursuant To Permission Granted At Hearing of April 21, 2008).

11
12 IT IS SO ORDERED.

13
14 Dated: _____

Honorable Ronald M. Whyte
United States District Court Judge